

NOV. -09:04 (TUE) 17:55.

TEL:9198622260

P. 001

**RECEIVED
CENTRAL FAX CENTER**

NOV 09 2004

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

ALSTON & BIRD LLP

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062
919-862-2200
Fax: 919-862-2260

TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

Date:

November 9, 2004

Recipient:

United States Patent and Trademark
Office

Company:

Fax Number:

703-872-9306

Voice Number:

Sender:

Kathryn L. Coulter, Patent Agent

Message:

Power of Attorney to Prosecute Applications Before the USPTO; Statement Under 37 CFR 3.73(h)

In re: Hein et al.

Appl No.: 09/005,318

Filed: January 9, 1998

For: Novel Epithelial Tissue Targeting Agent

Confirmation No.: 2353

Group Art Unit: 1647

Number of Pages: (including cover page) **3**

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT 919-862-2286.

USER CODE: coulk	REQUESTED BY: WAGNW
CLIENT/MATTER: 040989/283662	OPERATOR:

Alston & Bird

Attorney's Docket No. 040989/283662

NOV 09 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Hein et al.
Appl No.: 09/005,318
Filed: January 9, 1998
For: Novel Epithelial Tissue Targeting Agent

Confirmation No.: 2353
Group Art Unit: 1647

STATEMENT UNDER 37 CFR 3.73(b)

BIOLEX, INC. is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of an undivided part interest

in the patent identified above by virtue of:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. A copy of said assignment that is being recorded separately is attached hereto.
B. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel , Frame .
C. ☒ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: Mich B. Hein; Andrew C. Hiau; John H. Fitchen To: Epicyte Pharmaceutical, Inc.
The document was recorded in the Patent and Trademark Office at
Reel 9264, Frame 0016, or for which a copy thereof is attached.

2. From: Epicyte Pharmaceutical, Inc. To: Biolex, Inc.
The document was recorded in the Patent and Trademark Office at
Reel 015246, Frame 0793, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned is empowered to sign this statement on behalf of the assignee.

11/9/2004

Date

Kathryn L. Coulter

Kathryn L. Coulter, Registration No. 45,889

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile
transmitted to the U.S. Patent and Trademark Office to
Fax No. (703) 872-9306 on the date shown below.

Wendy L. Wagner
Wendy L. Wagner Date November 9, 2004

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:



Practitioners associated with the Customer Number:

00826

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) and are authorized to act on behalf of the Assignee in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

Biocex, Inc.
158 Credle Street
Pittsboro, NC 27312

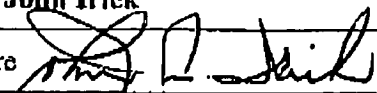
A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee; and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name John Irick

Signature



Date

10/22/04

Title Senior Vice President and Chief Business Officer

Telephone 919-542-9901